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10
11 **UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 Jessica Kahraman, *et al.*,
14 Plaintiffs,
15 v.

16 The State of Arizona, *et al.*,
17 Defendants.
18

Case No.: CV-22-00375-PHX-SRB

**FIRST STIPULATION TO EXTEND
CASE MANAGEMENT ORDER
[DOCS. 128, 141] DEADLINES**

(Hon. Susan R. Bolton)

19
20 The parties, by and through their respective undersigned counsel, hereby submit this
21 First Stipulation to Extend Case Management Order [Docs. 128, 141] Deadlines. The
22 parties affirm that this request is made in good faith, as discussed below, and not for
23 purposes of delay.

24 Beginning in late June and extending through September 2023, several tragedies
25 befell Plaintiffs' counsel's family that caused him to be out of the office during much of
26 July, August, and September. *First*, in late June, counsel's long-time partner's mother
27 became seriously ill. Counsel traveled with his partner to Pennsylvania to be with her and
28 her mother, whom counsel considered his de facto mother-in-law. Counsel remained in

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1 Pennsylvania for 10 days, caring for his partner and her mother, among other related things.
2 Soon after counsel's return to Arizona, his partner's mother passed away on 19 July 2023
3 and he returned to Pennsylvania for the funeral and other affairs, staying for another week.
4 *Second*, soon after returning to Arizona in late July, counsel's own mother passed away
5 unexpectedly on 5 August 2023. Counsel traveled to Illinois this time to make appropriate
6 arrangements, provide care and comfort to his sisters, attend services and the funeral, and,
7 since counsel is the executor for his mother's estate, he attended to probate and estate
8 related matters and legal issues, as well. Counsel spent most of August dealing with estate
9 and probate issues, as well as some unexpected custody issues relating to his grandniece
10 that arose during August. Some of those issues extended into September and several remain
11 unresolved at this time. *Third*, in mid-September, counsel's brother-in-law was diagnosed
12 with a terminal illness and assigned to hospice with a medical opinion of six months to
13 live. Upon receipt of that news, counsel drove to St. Johns, Arizona, where his sister
14 resides, an approximately 5-hour drive from Phoenix, and spent the week helping her to
15 understand, deal with, and make plans based on that news. As a result, counsel was not
16 able to attend to much of the discovery needs in matters on his case load, including this
17 matter.

18 Some discovery has occurred in this matter. The parties have voluntarily disclosed
19 documents pursuant to FRCP 26, including expert opinions by Plaintiffs and Defendants,
20 but for Plaintiffs' rebuttal expert opinions. No depositions have yet been taken or
21 scheduled, and only limited written discovery has occurred. The parties have exchanged
22 their affirmative expert opinions. On 17 October 2023, the parties agreed that Plaintiffs
23 could serve their rebuttal expert report(s) by 20 November 2023. The next day, Plaintiffs
24 learned that their rebuttal expert is currently hospitalized with an unknown discharge date.
25 Plaintiffs have identified and retained a replacement rebuttal expert, but due to her schedule
26 and the amount of material to be reviewed here, she is not able to prepare a report until
27 February 2024.

1 The parties are being proactive in making this request. Several of Plaintiffs'
2 counsel's other matters have extended their discovery schedules to accommodate the lost
3 time over this past summer; however, those extended deadlines now coincide with the
4 existing deadlines in this matter thus making it unwieldy to complete discovery on the
5 current schedule in this matter, particularly in relation to the fact and expert witness
6 discovery and depositions yet to come.

7 This is the parties' first request to extend the scheduling order deadlines. Plaintiffs
8 circulated a proposed stipulation to all Defendants in mid-October 2023. On 30 October
9 2023, State Defendants advised that they had retained new counsel who was in the process
10 of receiving the file from outgoing counsel, that new counsel would be substituting in
11 within "the next two to three weeks", and suggested new counsel would likely want to
12 extend out the proposed new deadlines. On 3 November 2023, the Court issued its Order
13 (Doc. 188) dismissing several more Defendants (i.e., Gwyneth Kelly and Drue Kaplan-
14 Siekman). On 29 November 2023, Plaintiffs reached out to State Defendants' new counsel
15 again seeking input into the proposed stipulation. New counsel did not provide input into
16 the proposed stipulation but indicated that State Defendants were now contemplating a
17 Rule 12(c) motion and/or requesting a Rule 16 scheduling conference and that "[w]e hope
18 to have the substitution on file within the next 1-2 weeks." Plaintiffs next followed up with
19 new counsel on the stipulation on 5 December 2023 with no response and then again on 19
20 December 2023, at which time new counsel indicated that "the file is transitioning to me"
21 and that Plaintiffs' "patience" was appreciated. On 28 December 2023, new counsel filed
22 a motion to substitute in as new counsel for State Defendants (Doc. 192) and provided
23 suggested edits to the stipulation first circulated in mid-October 2023. The Court granted
24 the new counsel substitution on 2 January 2024. (Doc. 193).

25 New counsel is in the process of reviewing the extensive pleadings, court orders,
26 Disclosure Statements, multiple expert reports, and voluminous records that exceed 30,000
27 pages.
28

For the foregoing reasons, the parties through their respective counsel assert that good cause exists to extend the current scheduling order deadlines as follows:

EVENT	CURRENT DEADLINE	NEW DEADLINE
Deadline for Plaintiff to serve rebuttal expert opinions	October 16, 2023	February 26, 2024
Deadline for completing fact discovery, including written discovery and fact witness depositions	February 2, 2024	July 10, 2024
Deadline to complete expert witness depositions	February 2, 2024	August 27, 2024
Deadline to engage in good faith settlement talks	January 15, 2024	July 19, 2024
Dispositive motions or motions challenging experts	March 15, 2024	September 20, 2024
Deadline for Motions in Limine	August 12, 2024	January 31, 2025
Deadline to file responses to Motions in Limine	August 21, 2024	February 10, 2025
Deadline to submit Joint Proposed Pretrial Order	August 19, 2024	February 7, 2025
Pretrial Conference	August 29, 2024, at 10:30 am	To be vacated and rescheduled
Jury Trial	September 9, 2024, at 9:00 am	To be vacated and rescheduled

A proposed form of order is attached.

RESPECTFULLY SUBMITTED this 2nd day of January 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2024, I electronically transmitted the foregoing document to be filed electronically with the Clerk’s Office through the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to be served on all counsel of record via the Court’s CM/ECF system.

/s/ Thomas A. Connelly

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